

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan on Monday, January 14, 2013 at 7:00 p.m.
ATTENDANCE	Council Members present: Lynne Branigan, Melissa Head, Matt Walsh, Nate Watson and Sharon White. Staff present: Richard Wade and Marcia Worden.
CONSENT AGENDA	Branigan and Watson moved and seconded approval, 3A. Agenda and tape recording of this proceeding to be incorporated into the official minutes; 3B. Reading, correction and approval of the December 10, 2012 City Council minutes and the December 27, 2012 Phone Conference minutes; 3C. Resolution 13-01, intent to dispose of City property legally described as Lot 7, except the 17.5 feet east of Block 11, Park Addition and setting a Public Hearing for January 28, 2013 at 7:00 p.m.; 3E. Resolution 13-02, intent to dispose of City property legally described as Lots 13 and 14 and the south ½ of Lot 15, McGee's Subdivision of Lot 21, Hughes and Doniphan's Addition and setting a Public Hearing for January 28, 2013 at 7:00 p.m.; 3F. Resolution 13-04, setting a Public Hearing for January 28, 2013 at 7:00 p.m., on the Plans, Specifications, and Form of Contract for the Fairview Cemetery Roads – Phase II Project, 3G. Resolution 13-05, accepting the work of MFT Construction, Inc. in connection with the 13 th Street Sewer Rehab. Phase VI and authorizing the Finance Director to issue a City check in the amount of \$35,917.43 (FY12-08), 3H. Resolution 13-06, accepting the work of MFT Construction in connection with Flood Recovery Project No. 25 Emergency Relocation of 60" Storm Sewer and authorizing the Finance Director to issue a City check in the amount of \$13,707.05, 3I. Resolution 13-07, accepting the work of Compass Utility, LLC in connection with the 20 th Avenue Emergency Sanitary Sewer Repair and authorizing the Finance Director to issue a City check in the amount of \$2,516.57, 3J. Resolution 13-08, accepting the work of MFT Construction, Inc. in connection with the 34 th Avenue Reconstruction with the 34 th Avenue Reconstruction and authorizing the Finance Director to issue a City check in the amount of \$21,502.16 (FY12-16), 3K. Resolution 13-09, accepting the work of Compass Utility, LLC in connection with the 6 th Avenue Emergency Sanitary Sewer Repair and authorizing the Finance Director to issue a City check in the amount of \$4,721.63, 3L. Resolution 13-10, accepting the work of Bluffs Paving & Utility, LLC in connection with the Nash Subdivision Street Improvement Project and authorizing the Finance Director to issue a City check in the amount of \$21,444.84, 3M. Comprehensive Annual Financial Report for fiscal year ending June 30, 2012, 3N. Fund Balance Activity (December 2012), 3O. List of Bills (December 2012), 3P. Mayor's Appointments, 3Q. Notices of Claim (2), 3R. Offer to Buy (2), 3S. 2013 Salvage Yard License Application. Unanimous.
PUBLIC HEARINGS	
Resolution 13-11	Held Public Hearing, disposing of property interest in the form of a utility easement on Lot 7, Beacon Place Subdivision, and accept the dedication of another described utility easement located on the same. White and Branigan moved and seconded approval. Unanimous.
Resolution 13-12	Held Public Hearing, vacating and disposing of that part of the north/south alley in Block 14, Hughes and Doniphan's Addition abutting Lots 17- 19 and Lot 20. Head and Watson moved and seconded approval. Unanimous.
Ordinance 6163	Held Public Hearing, amending the zoning map as adopted by reference in Section 15.27.020(B), by rezoning property legally described as the NW1/4NE1/4 of Section 7-74-43 lying north of railroad right-of-way, southwest of Harry Langdon Boulevard and southeast of Interstate 80 right-of-way, except the west 600 feet and including the property to the abutting southwest, described as the west 600 feet of the NW1/4 NE ¼ of Section 7-74-43 lying north of railroad right-of-way, southwest of Harry Langdon Boulevard and southeast of Interstate 80 right-of-way, from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District as set forth and defined in Chapter 15.21. Walsh and White moved and seconded approval. Unanimous.
Ordinance 6164	Held Public Hearing, amending the zoning map as adopted by reference in Section 15.27.020(B), by rezoning property located at 1607 Avenue K, described as Lots 264 and 265 and the north ½ of the adjacent vacated east/west alley, Belmont Addition, from C-2/Commercial District to R-1/Single-Family Residential District as set forth and defined in Chapter 15.08. Branigan and Head moved and seconded approval. Unanimous.
Ordinance 6165	Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.040(B), by rezoning property located at 1735 North Broadway, legally described as Lots 1, 2, 3 and 35 and the west ½ of the vacated alley abutting, except South Linden Avenue, the north 191 feet of Lot 6 and the west 60 feet of Lot 34 and the east ½ of the vacated alley abutting, and School Lot, all in Block 2, Lincoln Acres from R-1/Single-

Family Residential District to R-3/Low Density Multi-Family Residential District; as set forth and defined in Chapter 15.10. Notice was made that a petition submitted to Council at the December 10, 2012 City Council meeting, a list of messages received in the City Clerk's Office from January 4 – 7, 2013 and January 14, 2013 along with an email received on January 12, 2013 were received in opposition to the proposed rezoning. Branigan and Head moved to Receive and File documentation received in opposition. Unanimous. Heard from John Marshall, 125 Gunn Avenue, in opposition of the project. Marshall mentioned several projects the City Council approved for the good of the community/neighborhood and requested the zoning remain the same. Walsh mentioned all five Council Members want to do what's right for the City, and the best thing is to put in a senior living facility, constricted by a development agreement to limit the number of units, define the number of parking spaces, clarify the landscaping detail, that won't disturb the neighborhood. White added there are uses under R-1 zoning that are less appealing than senior living. White encouraged citizens to read the current ordinance and gave an example of R-1 zoning which the City has no jurisdiction, a Family Home (halfway house) which follows federal guidelines. Branigan mentioned the Manawa Centre development where the City outlined specific details for the development. Head concurred with the comments made by the other Council Members and indicated if apartments are allowed, the City would have control over the development; with R-1 zoning there are many uses where the City has no jurisdiction. If the building remains vacant it could cause many problems. Branigan mentioned it would be nice to hear comments from the school board and the challenges they face. Heard from Dewey Smith, 2433 North Broadway, also against the rezoning and was concerned about rescue units getting through and keeping the neighborhood family oriented. Heard from Dave Christensen, 2735 North Broadway, also against the rezoning who was concerned about neighborhood protection and another senior housing facility going into the neighborhood. Christensen questioned if the City could take action with the school district to demolish the building or the City take on the responsibility of the building. Walsh deferred the questions to Richard Wade, City Attorney. Wade mentioned action could only be taken when a certified engineering review was done and the building declared dangerous to the general public. Wade referred to the old Holiday Inn building; the process took a long time before the demolition occurred. Heard from Shirley Smith, 305 E. Orchard Avenue, who's been a resident of the neighborhood for 41 years and against the rezoning. Heard from the following individuals in favor of the rezoning, Bill Grove, 6 Grenville Court, who referenced tax base and concerns about future school closings; Steve Batt, 18951 Cathy Lane, who felt the Planning Commission did due diligence; Batt also mentioned there are other senior housing facilities in the area with no noticed crime and Deb Petersen, Attorney for the Seldin Company, 215 South Main Street, representing Seldin Company, in support of the rezoning. Petersen mentioned the project would be long term for 62 yr. old or older and/or handicapped. Petersen also mentioned spot zoning and a three-prong test and mentioned the rezoning would be contingent upon approval of the City Council. Branigan question the tax credits and Plan B. Heard from Mike Fallesen, 16910 Frances Street, Omaha, representing the Seldin Company, Plan B would be to extend the purchase agreement to keep the project alive, we're committed and would re-apply January 14, 2014, same conditions and timeline would apply. Walsh indicated the building may stay vacant, both the Planning Commission and Community Dev. Dept. recommended denial of the rezoning request. Walsh asked is it better to develop a plan that we can control or do we do nothing and lose control. Walsh indicated Council Members' could be contacted through the City Clerk's Office or by email; addresses are available on the City's website at www.councilbluffs-ia.gov. White and Walsh moved and seconded, moving the ordinance to third reading contingent on the submittal of a development plan. Voice Vote: 4 Ayes; 1 Abstention (Watson).

Resolution 13-13

Held Public Hearing, approving the Plans, Specifications and Form of Contract for the Trail Signage Package – Phase III. Branigan and Walsh moved and seconded approval. Watson commended the Parks Department for their work, it's a great project. Unanimous.

Resolution 13-22

Held Public Hearing, vacating that part of Mount Vernon Street right-of-way abutting Block 6 and 7, Galesburg Addition. Walsh and Watson moved and seconded to concur with the Community Development's recommendation to deny action. Unanimous.

**ORDINANCES ON
THIRD READING**
Ordinance 6162

Walsh and Head moved and seconded approval, repealing Ordinance No.5835 which approved the Tax Increment Financing District for the Madison-Lindberg Urban Renewal Area. Voice Vote: 4 Ayes; 1 Abstention (Branigan). Ordinance 6162 passed into law.

RESOLUTIONS

Resolution 13-14

Head and White moved and seconded approval, establishing a Mileage Reimbursement Rate for business travel for City employees using personal automobiles, referencing City Personnel Policy 401. Walsh mentioned the Finance Director will calculate a factor to apply to the IRS reimbursement rate. Unanimous.

Resolution 13-15

Walsh and White moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with HGM Associates, Inc. for engineering services in connection with the 13th Street Sewer Rehab. Phase VIII (FY14-08). Unanimous.

Resolution 13-16

Watson and White moved and seconded approval, approving the changes in the staffing of the Operations Division of the Public Works Department. Unanimous.

Resolution 13-17

Head and Walsh moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Charles Vrana & Son Construction Company for the South 24th Street Improvements, Phase II (FY12-15). Unanimous.

Resolution 13-18

White and Head moved and seconded approval, authorizing a joint application to the Iowa Economic Development Authority (IEDA) by the Council Bluffs Enterprise Zone Commission and SLAJ, LLC for Enterprise Zone benefits. Unanimous.

Resolution 13-19

Walsh and White moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with CDM Smith Inc. for engineering services in connection with WPCP Effluent use for industrial water cooling (FY13-05). Voice Vote: 4 Ayes, 1 Nay (Watson).

Resolution 13-20

Branigan and Head moved and seconded approval, authorizing the acquisition of four flood damaged properties on Gifford Road and Emil Lane as a part of the Missouri River Buyout project. Unanimous. This item was discussed at an Executive Session held on January 14, 2013.

Resolution 13-21

Branigan and Head moved and seconded approval, amending Resolution 07-243 adopted June 11, 2007, by increasing the bank deposit limit. Unanimous.

**APPLICATIONS
FOR PERMITS AND
CANCELLATIONS**

Walsh and Head moved and seconded approval of Item 8A. (1-8) Renewal of Beer/Liquor/Wine and Outdoor Permit Applications, 1. Andrew's Lounge, 1210 North 25th Street, 2. Boxer LLC, 722 Creek Top, 3. Kwik Shop, 3632 Avenue G, 4. Kwik Shop, 1602 Avenue G, 5. Lightning Bowl, 105 North 12th Street, 6. Sugar's Lounge, 2725 East Kanesville Boulevard, 7. Tobacco Hut, 3134 Manawa Centre, 8. Wood's Sporting Goods, 531 Veterans Memorial Highway; Item 8B. New Liquor & Outdoor Permit Application for Broadway Bar, 144 West Broadway; and Item 8C. Cigarette Permit Applications (4). Unanimous.

Heard from Bill Grove, 6 Grenville Court, who asked if rezoning was done for the Kim Gym project and did it meet the 1994 Comprehensive Plan. Mayor Hanafan indicated many plans have been submitted over the years; and amendments have been made to the 1994 Comprehensive Plan.

Mayor Hanafan mentioned that Code Red is a great tool; citizens received a Code Red call regarding a water main break that occurred last week.

ADJOURNMENT

Head and Walsh moved and seconded to adjourn the meeting at 8:26 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

Attest:

Marcia L. Worden, City Clerk